


Shufflebotham qualifies as a prima facie reference with respect to the present application under 35 U.S.C. § 102(e). In addition, the present application and Shufflebotham were, at the time that the invention of the present application was made, owned by, or subject to an obligation of assignment to, the same owner, i.e., Lam Research Corporation. Shufflebotham is also assigned to Lam Research Corporation, as evidenced by the Assignment recorded at Reel 0829/Frame 379.

According to MPEP 706.02(l)(1), because the present application was filed after November 29, 1999, and Applicants have established evidence of common ownership, Shufflebotham is disqualified as 35 U.S.C. § 102(e) prior art, and thus cannot be applied in the rejection under 35 U.S.C. § 103. Therefore, Applicants respectfully submit that the rejection under 35 U.S.C. § 103(a) over Li in view of Shufflebotham is moot.

In view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance and such action is earnestly solicited.

Respectfully submitted,

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Date. May 21, 2002